



Montana  
**Office of Public Instruction**  
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**Montana Fish,  
Wildlife & Parks**

## **Indian Education for All Units related to Montana State Parks**

### **Giant Springs State Park**

January 2010 (revised)

#### **Title**

Montana's Little Shell Tribe and the Struggle for Federal Recognition

#### **Content Area**

Social Studies (Government, U.S. History, Tribal History, Current Events)

#### **Grade Level**

11th/12th

#### **Duration**

Four 50-minute class periods, plus 1 homework assignment and 1 take-home exam – **OR** –  
Five 50-minute class periods and 1 homework assignment

### **Montana Education Standards and Benchmarks**

#### ***Indian Education for All***

**Essential Understanding 4:** Reservations are land that have been reserved by the tribes for their own use through treaties and was not “given” to them. Some reservations were created through treaties while others were created by statutes or executive orders the principle that land should be acquired from the Indians only through their consent with treaties involved three assumptions:

- 1) That both parties to treaties were sovereign powers;
- 2) That Indian tribes had some form of transferable title to the land;
- 3) That acquisition of Indian lands was solely a government matter not to be left to individual colonists.

**Essential Understanding 5:** There were many federal policies put into place throughout American history that have impacted Indian people and shape who they are today. Much of Indian history can be related through several major federal policy periods—the Treaty Period.

**Essential Understanding 6:** History is a story and most often related through the subjective experience of the teller. Histories are being rediscovered and revised. History told from an Indian perspective conflicts with what most of mainstream history tells us.

#### ***Montana Content Standards***

**Social Studies Content Standard 2:** Students analyze how people create and change structures of power, authority, and governance to understand the operation of government and to demonstrate civic responsibility. *Rationale: The vitality and continuation of a democratic republic depends upon the education and participation of informed citizens.*

**Benchmark 2.1** Students will analyze the historical and contemporary purpose of government and how the powers of government are acquired, modified, justified and used (e.g., checks and balances, Bill of Rights, court decisions).

**Benchmark 2.4** Relate the concept of tribal sovereignty to the unique powers of tribal governments as they interact with local, state and federal governments.

**Benchmark 2.6** Students will analyze and evaluate conditions, actions and motivations that contribute to conflict and cooperation within and among groups and nations.

**Social Studies Content Standard 3:** Students apply geographic knowledge and skills (e.g., location, place, human/environment interactions, movement and regions. *Rationale: Students gain geographical perspectives on Montana and the world by studying the Earth and how people interact with places. Knowledge of geography helps students address cultural, economic, social and civic implications of living in various environments.*

**Benchmark 3.4** Students will analyze how human settlement patterns create cooperation and conflict which influence the division and control of the Earth (e.g., treaties, economics, exploration, borders, religion, exploitation, water rights, etc.)

**Benchmark 3.7** Students will describe and compare how people create places that reflect culture, human needs, government policy, and current values and ideas.

**Social Studies Content Standard 4:** Students demonstrate an understanding of the effects of time, continuity, and change on historical and future perspectives and relationships. *Rationale: Students need to understand their historical roots and how events shape the past, present and future of the world. In developing these insights, students must know what life was like in the past and how things change and develop over time. Students gain historical understanding through inquiry of history by researching and interpreting historical events affecting personal, local, tribal, Montana, United States, and world history.*

**Benchmark 4.1** Students will select and analyze various documents and primary and secondary sources that have influenced the legal, political and constitutional heritage of Montana and the United States.

**Benchmark 4.2** Students will interpret how selected cultures, historical events, periods and patterns of change influence each other.

**Benchmark 4.3** Students will apply ideas, theories, methods of inquiry to analyze historical and contemporary developments, and to formulate and defend reasoned decisions on public policy issues.

**Benchmark 4.4a** Students will analyze the significance of important people, events and ideas in the major eras/civilizations in the history of Montana, American Indian tribes, the United States and the world.

**Benchmark 4.6** Students will investigate, interpret and analyze the impact(s) of multiple historical and contemporary viewpoints concerning events within and across cultures...and political systems (e.g., assimilation, values, beliefs, conflicts).

**Benchmark 4.7** Students will analyze and illustrate the major issues concerning [the] history, culture, tribal sovereignty and current status of the American Indian tribes and bands in Montana and the United States.

## Overview

Giant Springs State Park is located in Great Falls, Montana. The springs are a leak from an underground aquifer that extends from central Montana into southern Canada—the largest aquifer in North America.

Visited by Indians for centuries, the springs were given their first written description in July 1805 by Captain William Clark, who called them “the largest fountain or spring I ever saw,” adding that the clear spring water “boils up from under the rocks near the edge of the river.”<sup>1</sup>

Present-day Great Falls, situated as it is in central Montana, was a center of American Indian activity long before the Lewis and Clark Expedition passed through on its way to the Pacific Coast, and long before Paris Gibson founded the town site in the 1880s. Archaeologist Mavis Greer suggests that the first humans were in Central Montana during 9,200-8,900 BPE,<sup>2</sup> or as many as 11,200 years ago.<sup>3</sup> Anthropological linguist Morris Swadesh suggests that the Salish language was spoken in Central Montana between 5,000 and 7,000 years ago.<sup>4</sup> Modern Salish people now living on the Flathead Indian Reservation, headquartered at Pablo, Montana, speak very much the same language.

Regarding contemporary Montana tribes, archaeologist Carling Malouf proposes that the Ktunaxa or Upper Pend d’Oreille “was centered in the Sun River valley west of Great Falls” during 500-1750 CE.<sup>5</sup> Malouf also reports, that, “To the north of the Pend d’Oreille at this time were the Plains Kutenai [that is Kootenai].” And, “South of the Pend d’Oreille were the Flathead [that is, the Salish],<sup>6</sup> who were centered in the Three Forks area of the Missouri River and in the Gallatin Valley.”<sup>7</sup>

During the period 1750-1800, the Salish and their Pend d’Oreille allies “moved their headquarters to the Bitterroot Valley” west of the Continental Divide, due to population “losses from [disease] epidemics and pressures from rifle-armed Blackfeet raiders.”<sup>8</sup> The Fort Laramie Treaty of 1851<sup>9</sup> and the Treaty with the Blackfeet 1855<sup>10</sup> held that the territory now comprising central Montana, including Great Falls and the Giant Springs area, was “the territory of the Blackfoot [sic].” In addition, the Fort Laramie Treaty made the Continental Divide the border between the Blackfeet and the Salish, Pend d’Oreille, and the Kootenai. In addition, the two treaties also set the northern boundary of the Crow Reservation, which was later changed.<sup>11</sup>

Following the Executive Order of 1873<sup>12</sup> and the Act of Congress of 1874,<sup>13</sup> the southern border of Blackfeet territory was pushed 200 miles to the north, and the area centered on Great Falls was opened to white settlement. During the late 1870s and early 1880s a group of Métis—Chippewa-Cree-French and other

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<sup>1</sup> Bruce Auchly. “Gushing Over Giant Springs,” *Montana Outdoors*, May-June (2005): fwp.mt.gov/mtoutdoors/HTML/Articles/2005/GiantSprings.htm

<sup>2</sup> Before the Present Era

<sup>3</sup> Mavis Ann Loschider Greer. “Archaeological Analysis of Rock Art Sites in the Smith River Drainage of Central Montana” (PhD diss., University of Missouri—Columbia, 1995): 71.

<sup>4</sup> Morris Swadesh, “Salish Phonologic Geography,” *Language* 28, no. 2 (1952): 232-234

<sup>5</sup> Current Era

<sup>6</sup> Malouf used the term, “Flathead,” but this is an incorrect designation for the Salish people, and should be “Salish.” See, Salish-Pend d’Oreille Culture Committee. *The Salish People and the Lewis and Clark Expedition* (Lincoln: University of Nebraska Press, 2005): xiii.

<sup>7</sup> All references to Malouf in this section, see footnote no. 1, Greer (1995): 77-79.

<sup>8</sup> Salish-Pend d’Oreille Culture Committee: xiii-xiv.

<sup>9</sup> Treaty of Fort Laramie, September 17, 1851: <http://www.lbha.org/Research/lara51.htm>

<sup>10</sup> Charles J. Kappler (Editor). “Treaty with the Blackfeet, 1855,” *Indian Affairs: Laws and Treaties*, Vol. II, *Treaties* (Washington: Government Printing Office, 1904). <http://digital.library.okstate.edu/kappler/Vol2/treaties/bla0736.htm>

<sup>11</sup> About the Crow Government: Reservation Land Cessions, Map: [http://lib.lbhc.cc.mt.us/about/government/map\\_cessions.htm](http://lib.lbhc.cc.mt.us/about/government/map_cessions.htm); and Charles J. Kappler (Compiler and Editor). “Crow Indians, Montana, agreement of, for sale of lands accepted, ratified, and confirmed.” Act of Congress, Chapter 7, Apr. 11, 1882. | 22 Stat., 42. *Indian Affairs: Laws and Treaties*, Vol. I, *Laws* (Washington: Printing Office, 1904): 196. On the Internet: [http://digital.library.okstate.edu/kappler/Vol1/HTML\\_files/SES0195.html#ch74b](http://digital.library.okstate.edu/kappler/Vol1/HTML_files/SES0195.html#ch74b)

<sup>12</sup> President U.S. Grant. Executive Order, Blackfeet Reserve. Department of the Interior, Office of Indian Affairs, July 2, 1873. [http://digital.library.okstate.edu/kappler/Vol1/HTML\\_files/MON0854.html#mt](http://digital.library.okstate.edu/kappler/Vol1/HTML_files/MON0854.html#mt)

<sup>13</sup> Charles J. Kappler (Editor). “An act to establish a reservation for certain Indians in the Territory of Montana, April 15, 1874. | 18 Stat., 28,” *Indian Affairs: Laws and Treaties*, Vol. I, *Laws* (Washington: Government Printing Office, 1904). [http://digital.library.okstate.edu/kappler/Vol1/HTML\\_files/SES0149A.html](http://digital.library.okstate.edu/kappler/Vol1/HTML_files/SES0149A.html)

ethnicities-mixed—settled along the south banks of the Missouri just east of Great Falls. One of their settlements became present-day Lewistown.<sup>14</sup> Other Métis settled along the Rocky Mountain Front, while Cree and Chippewa bands had small, impermanent settlements throughout the state. After more than three decades of landlessness and living as social and cultural outcasts in the young state of Montana, Rocky Boy's band of Chippewa and Little Bears Band of Cree were finally granted a reservation in Montana (Rocky Boy's Reservation, created in 1915.) However, many of the Métis, Cree and Chippewas who had long resided in the state were excluded from enrollment at the newly created reservation.

One group, called the Little Shell Tribe of Chippewa for its historical leader, Little Shell, has for many years resided in and around the city of Great Falls. For over a century, the Little Shell Tribe has sought federal recognition, which, without a treaty, is extremely difficult for tribes to obtain. In 2001 the tribe became officially recognized by the State of Montana, and is now headquartered in Great Falls. Although the Department of the Interior (which oversees tribal-federal issues) acknowledged the tribe qualified for recognition in May of 2000, final federal recognition is still pending as of 2009. This lesson will be centered on this tribe's history and the process by which it gained official recognition by Montana. In addition, the lesson will explore the process by which the Little Shell tribe applied to the United States Government for federal recognition and investigate why, despite decades of tribal efforts; the federal government has stalled on providing final recognition to the Little Shell Tribe. (Note: The Little Shell tribe is not the only American Indian Tribe seeking federal recognition; other tribes have tried and failed, while still more *de facto* tribes are in the application process.)

## Objectives

In this lesson students will explore the history of the Little Shell Tribe. Students will learn the concepts of sovereignty, recognition and treaties, generally, as these apply to all Indian tribes, or nations. Students will explore the legal process by which the tribe has gained official state recognition by Montana and will examine the processes it has undertaken for the last several decades in its attempt to achieve federal recognition.

## Related Curriculum

The Montana Office of Public Instruction's Indian Education Division has a new curriculum on Montana's landless Indians created by the Montana Historical Society, which is due to be online and available to teachers in the fall of 2010. This week-long unit uses a hands-on analytical approach to discovering the history of the landless tribes (Chippewa, Cree and Métis) in Montana between the 1870s and 1915, using numerous primary source documents. The lesson provides document analysis worksheets specifically created for each of the primary source documents so that students will learn how to analyze historical primary source documents critically and thoroughly. Using that lesson would be an ideal way to begin an extended unit on the Chippewa, Cree and Métis of Montana and lead into the examination of the Little Shell Tribe.

## Materials or Resources Needed

- **Computers with Internet Access to the following websites:**
- **Online resources on Treaties, Tribal Sovereignty and Federal Recognition, for Class Period 1:**
  - Colonialist (American, British) Map of North America  
<http://sorrel.humboldt.edu/~go1/kellogg/PDF/NAContinent.pdf>
  - Map of Cultural Areas <http://sorrel.humboldt.edu/~go1/kellogg/PDF/CulturalAreas.pdf>

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<sup>14</sup> Alberta C. Sparlin. Interview of Clemence Gournou (Berger), "The Metis Come to Judith Basin," chapter in *The Trail Back* (Lewistown, Montana: Central Montana Historical Association, 1976). Accessed through Governor's American Indian Nations (GAIN) Council. URL <http://gain.mt.gov/> then click on the star representing the Little Shell tribal headquarters in Great Falls, which will take you to the following URL: [http://www.littleshelltribe.com/miscdocs/history/Metis\\_Judith\\_Basin.shtml](http://www.littleshelltribe.com/miscdocs/history/Metis_Judith_Basin.shtml)

- Tribal Sovereignty <http://sorrel.humboldt.edu/~go1/kellogg/PDF/AmericanIndianSovereignty.pdf>
- Erosion of tribal sovereignty <http://sorrel.humboldt.edu/~go1/kellogg/PDF/ErodingSovereignty.pdf>
- Marshall Trilogy <http://sorrel.humboldt.edu/~go1/kellogg/PDF/MarshallTrilogy.pdf>
- **Little Shell Cultural and Tribal History, from <http://www.littleshelltribe.com/history.shtml> for Class Period 2:**
  - ["The first Indians in central Montana"](#) is an excerpt from the book "The Trail Back" by Alberta C. Sparlin. It is a generic history of the permanent arrival of members of the Little Shell Tribe to the Judith Basin. *(Please note: in spite of the title's claim, the Little Shell were not the first Indians in central Montana, as several other tribes, including the Blackfeet, Kootenai, Salish, Crow, Assiniboiné and Gros Ventre had already, for many centuries, occupied—temporarily or semi-permanently—the region that now makes up central Montana, as did earlier tribes who were probably ancestors of some of these Montana tribes.)*
  - ["The Métis come to Judith Basin"](#) is an excerpt from the book "The Trail Back" by Alberta C. Sparlin. It is a copy of an article that was printed in the Lewistown Daily News- who interviewed Clemence Gourneau (Berger) before she died. It was written December 31, 1943.
  - ["From Hill 57 to Capitol Hill: 'Making the Sparks Fly'"](#) is an article from "Montana The Magazine of Western History" Vol 43(Summer Issue-3) Pages 16-29, it chronicles Sister Providencia Tolan's drive on behalf of Montana's Off-Reservation Indians. 1950-1970.
  - ["Waiting for a day that never comes"](#) is an article from "Montana: The Magazine of Western History" Vol 8 (Spring 1958), 37-38. It is a summary history of the Little Shell tribe's struggle for recognition from the US government since the 1800's. Chronicles Conversations with Joseph Dussome and the plight of the "Landless" on Hill 57 and other areas around the state of Montana.
- **Brief History of Little Shell recognition efforts, for Class Period 3:**
  - Article on recognition from the Native American Rights Fund newsletter, 2000, summarizing the importance of federal recognition and describing the efforts of tribes, including the Little Shell, who are seeking federal recognition, <http://www.narf.org/pubs/justice/2000fall.html>
  - Feb., 2003, update: <http://www.littleshelltribe.com/recognition.shtml> Retrieved September 13, 2009.
  - "Little Shell Tribe has sought recognition for over a century" by Marga Lincoln, October 14, 2004. Helena Independent Record, archived at [http://www.helenair.com/news/local/article\\_8ca69ac2-8122-581d-a056-1b9eb7c1b547.html](http://www.helenair.com/news/local/article_8ca69ac2-8122-581d-a056-1b9eb7c1b547.html)
- **Little Shell Recognition processes, for Class Period 4:**
  - HOUSE JOINT RESOLUTION NO. 11, Montana State Legislature, 2001. <http://www.littleshelltribe.com/miscdocs/mtlegislature/HJ0011.html>
  - "Proposed Finding for Federal Acknowledgment of the Little Shell Tribe of Chippewa Indians of Montana, Federal Register, Vol. 65, No. 141, Friday, July 21, 2000" (pg. 45394-45396) from [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2000\\_register&docid=00-18490-filed](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2000_register&docid=00-18490-filed)
  - "House Resolution 3210—Little Shell Tribe of Chippewa Indians Restoration Act of 2009." Online at <http://www.opencongress.org/bill/111-h3120/text>



## Activities and Procedures

**Teacher Preparation:** Teacher should become familiar with all of the materials and resources in this lesson. (For additional resources on Federal Indian law and sovereignty, please see the Additional Resources section at the end of this lesson plan.)

### **Class Period 1: An Introduction to Tribal Sovereignty, Federal Recognition and Treaties.**

For this period, you will need the articles (printed copies of or internet access to the articles listed above under the heading “Online Resources on Treaties, Tribal Sovereignty and Federal Recognition.” This class period will be an introduction to these subjects. For this period, you will need a computer with internet access for the teacher and a projector to show maps and slides from the websites listed within the teacher narrative.

The teacher, using a computer with an overhead projector and internet, present an overview of relations between Indian and European peoples and indigenous sovereignty. (Teacher’s narrative is printed here in large font.) Click on the map links to view the maps and other slides in the order they are presented below.

#### *A. Geography*<sup>15</sup>

★ **SHOW SLIDE:** [\[MAP #1 - THE NORTH AMERICAN CONTINENT, 1779\]](#)

Note that the map labels large areas of North America as the designated sphere of influence of one European country or another. In 1783, due to the Treaty of Paris ending the American Revolutionary War, or the American War of Independence, the parts below, or south of Canada, labeled, “British,” became the United States. Canada remained under British influence. Between 1776 and 1853 - just 77 years - all of the land north of Mexico and south of Canada, and from the Atlantic to the Pacific coasts came under control of the United States government.

An important part of our study about American Indians is just how the original inhabitants of North America lost almost all of their land during this period.

★ **SHOW SLIDE:** [\[MAP #2 - CULTURAL AREAS OF NATIVE AMERICANS\]](#)

As you can see on this map, before the English colonists arrived in the early 1600s, the entire North American continent was under the control of the many Indian tribes. NOTE: The lands designated to the Chippewa and Cree were north of the great lakes, in what is now Canada.

#### *B. The American Indians Prior to European Contact*

In 1787, when the U.S. Constitution was signed, hundreds of Indian Nations existed in North America - nations that had been thriving for thousands of years. Indian Peoples spoke hundreds of different languages, practiced many different spiritual beliefs, and experienced a wide variety of different political, cultural, and economic lifestyles. Indeed, the Indians of North America were diverse peoples.

Not only were the Indian peoples of North America quite diverse, they were also politically sovereign. Does anyone know what sovereignty is?

(Allow students a minute or two to respond to the question.)

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<sup>15</sup> All pdf overheads: Center for Indian Community Development, Humboldt State University. *American Indian Issues: An Introductory and Curricular Guide for Educators*. On the Internet: <http://sorrel.humboldt.edu/~go1/kellogg/NativeRelationship.html>

★ **SHOW SLIDE:** [\[OVERHEAD - AMERICAN INDIAN SOVEREIGNTY\]](http://sorrel.humboldt.edu/~go1/kellogg/PDF/AmericanIndianSovereignty.pdf) (Text from <http://sorrel.humboldt.edu/~go1/kellogg/PDF/AmericanIndianSovereignty.pdf> is listed below for teacher to read aloud.)

“Sovereignty is the supreme power from which all political powers are derived. A nation is sovereign when its people have the power to govern themselves.

Were the Indian Nations sovereign at the time of European contact with the North American continent?

Yes! All Indian nations originally exercised the powers of sovereigns.

Indian nations recognized the sovereignty of other Indian nations by forming compacts, treaties, trade agreements, and military alliances with one another. All the colonies recognized the sovereignty of Indian nations by entering into treaties with the Indian nations.

Sovereignty, then, was an inherent right of Indian peoples - a right that could not be taken away.”

*C. Treaty making and the special relationship of government, both state and federal, with Indian Tribes, or Nations*

Treaties were nation-to-nation agreements between sovereign entities: tribes and the Colonies, then tribes and the United States government. Although the Colonies acknowledged the inherent sovereignty of tribes, the United States government quickly sought to undermine that sovereignty, even while it acknowledged it in a limited fashion. How did this happen? Basically, the United States just declared it to be so and the Supreme Court reinforced what the government intended. In doing so, the United States justified to itself its colonialist endeavors and enhanced America’s ability to assume control over tribal lands and resources through the 19<sup>th</sup> and 20<sup>th</sup> centuries.

➤ **SHOW SLIDE:** [ErodingSovereignty.pdf](#) (This text is listed below for teacher to read.)

“The new US government took three avenues that changed the nature of Indian sovereignty and eroded the powers of sovereign peoples.

1. The US Constitution under **Article I, Section 8, Clause 2**, recognized the sovereignty of Indian tribes by stating that “The Congress shall have power...to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.” In this article, the Constitution specifically created two distinct sovereigns - the federal and tribal governments.

2. The **Indian Trade and Intercourse Act (1790)** gave the federal government - not the states -exclusive power to deal with Indians. Consequently, all relations between the federal government and Indian nations were carried out on a **government-to-government basis**.

3. Three important U.S. Supreme Court decisions known as **The Marshall Trilogy** limited Indian sovereignty.

#### *D. The Marshall Trilogy*

In the 1830s, Chief Justice Marshall delivered the rulings on the three court cases that became known as the Marshall trilogy. Each of these court cases limited the sovereignty of tribes and extended the sovereignty of the United States over tribes, to a certain extent, providing a convenient way for the U.S. to usurp tribal authority and demand tribal adherence to such supremacy of the U.S. government. The re-defining of tribes as “domestic dependent nations” did not entirely strip tribes of their own sovereignty, but gave the United States, without tribal input, an assumed authority over tribes and set in motion the creation of Indian reservations under the justification of the trust relationship (“guardian to ward relationship”). Recall that at this time, tribes had no other legal rights, other than their treaties, with the United States government, and tribal members were not United States citizens (with very few exceptions).

➤ **SHOW SLIDE:** [MarshallTrilogy.pdf](#)

#### *E. Treaties between Montana’s tribes and the federal government:*

The lands west of the Mississippi at the time of the Marshall decisions were occupied by their indigenous inhabitants—the tribes. Even so, the United States used its own rationale and justifications for asserting authority and ownership over these lands, most of which had never been visited by Americans. Decisions were made (by the U.S.) that effected tribes and their survival and continue to effect them today, including the Marshall trilogy. Later decisions and actions by the government would similarly benefit the U.S. and its citizens while depleting tribes of their lands and resources, repressing tribal cultural practices, and marginalizing tribes within their own homelands.

“Indian Nations located in [lands that became] Montana Territory, prior to the passage of the Montana Constitution in 1889, held large land bases as negotiated through their treaties with the United States. The treaties assigned tribes to certain areas and obligated them to respect the land of their neighbors. However, in the 1860s, as miners and others rushed into the prime gold fields that often lay along or within the designated tribal lands, tribal life was disrupted. The new inhabitants demanded federal protection; this started the garrisoning of Montana and the eventual relocation of the tribes to smaller and smaller reserves. The federal government and the Montana citizens did not understand the lifestyles of Montana’s Indian tribes and, therefore, dealt with them from the expectations and from the non-Indian point of view. However, the



federal government did understand that these tribal groups were sovereign nations and they needed to enter into treaty negotiations with them.”<sup>16</sup>

➤ Lead a class discussion as time allows on the following questions. If there is not adequate time, assign them as homework: Discussion Questions: Why are treaties and sovereignty important to tribes? Why did the United States make efforts (actions, decisions, and policies) to limit tribal sovereignty? To whose advantage were/are these efforts?

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<sup>16</sup> Montana Office of Public Instruction, Indian Education Division. “Background, No. 4,” *Essential Understandings of Montana Indians*.

## **Class period 2: Little Shell's band and Landless Indians from the 1870s to the 1950s.**

For this class period, students will need copies of (or access to) the **four** Little Shell Tribal History articles listed above from <http://www.littleshelltribe.com/history.shtml>

1. Read the Overview of this lesson to your class as an introduction to the Little Shell tribe's situation. (5 minutes)
2. Have students access and read the four articles regarding the history of the Little Shell Tribe in order to build a historical context for understanding who the Little Shell people are. (20-25 minutes)
3. Students should begin in class (and finish as homework if necessary) a written assignment, providing answers to the following questions:
  - a. Who are the Little Shell? What are their cultural roots and ethnic characteristics?
  - b. Where did the Little Shell tribes' ancestors come from, and when did they arrive in Montana?
  - c. Which other bands or tribes were landless for many years? Where did they live in Montana?
  - d. Who was Little Shell himself?
  - e. What reservation was established for some of the Chippewa and Cree in Montana in 1915?
  - f. Why did this band not receive enrollment at the Rocky Boy's reservation in Montana?
  - g. Where have members of the Little Shell band lived, primarily, over the course of the last century?
  - h. What is Hill 57?
  - i. "Waiting for a Day that Never Comes" was written in 1958. As of the summer of 2009, the Little Shell tribe has still not received federal recognition. What efforts had members of the band made up to 1958 to achieve federal recognition?

## **Class Period 3: Overview of Little Shell recognition efforts.**

For this period, students will need paper copies of the corresponding articles listed in the Materials and Resources section (and below). These documents should be printed in advance, as paper copies will allow students to provide more substantive contributions to the class discussion, and students will need to be responsible for this information on the final exam.

1. Collect the homework assignment from the previous class period.
2. Distribute and have students read the documents for today's class discussion:

Article on recognition from the Native American Rights Fund newsletter, 2000, summarizing the importance of federal recognition and describing the efforts of tribes, including the Little Shell, who are seeking federal recognition, <http://www.narf.org/pubs/justice/2000fall.html>

Feb., 2003, update: <http://www.littleshelltribe.com/recognition.shtml> Retrieved September 13, 2009.

"Little Shell Tribe has sought recognition for over a century" by Marga Lincoln, October 14, 2004. Helena Independent Record, archived at [http://www.helenair.com/news/local/article\\_8ca69ac2-8122-581d-a056-1b9eb7c1b547.html](http://www.helenair.com/news/local/article_8ca69ac2-8122-581d-a056-1b9eb7c1b547.html)

3. Lead a class discussion of the articles. What efforts have the Little Shell people taken to prove they are a tribe deserving of federal recognition? Who are some of the key Little Shell people in their efforts for federal recognition? Why do you think they persist for so many decades to achieve recognition?

## **Class Period 4: Achieving state recognition and the continued struggle for federal recognition.**

In this class period, students will explore the legal process by which the tribe gained official recognition by Montana. You will need to make copies of the documents listed in this class period, or students will internet access to each of them. It is recommended that students or the teacher print the federal recognition document used in this class period, so that students can study it in depth. At the end of class, students will need copies of Attachment A, a take-home exam for this unit.

1. The teacher instructs the students to go to the Little Shell Tribe website at <http://www.littleshelltribe.com/miscdocs/mtlegislature/HJ0011.html> and to download the Montana State Legislature document, HOUSE JOINT RESOLUTION NO. 11.(5 minutes)
2. Ask students to comment on the purpose of House Joint Resolution No. 11 and the benefits to the tribe of state recognition. (5 minutes)
3. Ask students to analyze how state recognition, while important, is different from federal recognition in terms of services, rights, sovereignty and status of (or for) the tribe. (5 minutes)
4. Distribute printed copies of “Proposed Finding for Federal Acknowledgment of the Little Shell Tribe of Chippewa Indians of Montana, Federal Register, Vol. 65, No. 141, Friday, July 21, 2000,” from [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2000\\_register&docid=00-18490-filed](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2000_register&docid=00-18490-filed) and have students read it. (15-20 minutes to read)
5. Discussion: Have the students search the documents above for the criteria for any Indian tribe to gain federal recognition. Students should list those criteria. (5 minutes)
6. Discussion: Using the list of criteria, students should then list what the Little Shell tribe has done to meet each of the criteria on the list. (10 minutes)
7. \* Distribute and read “House Resolution 3210—Little Shell Tribe of Chippewa Indians Restoration Act of 2009.” Online at <http://www.opencongress.org/bill/111-h3120/text> (5 minutes \*)
8. \* Take Home Exam (OR for Class Period 5): Assign the take-home exam due at the beginning of the next period. Exam questions are listed on Attachment A (2 pages) which you should distribute to your students. Students may use any of the resources included in this lesson, as needed, while working on the exam, but they will need to cite any documents/websites they reference in their exam if paraphrasing or quoting material from them. Exam will take approximately 1 hour.

\* Note: If you run out of time in Class Period 4 for all of the readings, please assign any leftover readings for homework and do the exam in class the next period.

## **Assessment**

Substantive and thoughtful participation in class discussions, satisfactory written work, final exam.

## **Additional Resources on Sovereignty, Montana Tribes and Treaties:**

*Indian Sovereignty* by Kirke Kickingbird, et al, publication of the Institute for the Development of Indian Law, University of Wisconsin, Madison.

*The Federal-Indian Trust Relationship* by Gilbert Hall. Publication of the Institute for the Development of Indian Law, University of Wisconsin, Madison.

*Indian Tribes as Sovereign Governments—A Sourcebook on Federal-Tribal History, Law and Policy.* By the American Indian Lawyer Training Program, American Indian Resources Institute Press, 1988.

Center for Indian Community Development, Humboldt State University. *American Indian Issues: An Introductory and Curricular Guide for Educators*. On the Internet:

<http://sorrel.humboldt.edu/~go1/kellogg/NativeRelationship.html>

Crow Tribe. *About the Crow Government: Reservation Land Cessions*, Map:

[http://lib.lbhc.cc.mt.us/about/government/map\\_cessions.htm](http://lib.lbhc.cc.mt.us/about/government/map_cessions.htm)

Kappler, Charles J. (Compiler and Editor). "Crow Indians, Montana, agreement of, for sale of lands accepted, ratified, and confirmed." Act of Congress, Chapter 7, Apr. 11, 1882. | 22 Stat., 42. *Indian Affairs: Laws and Treaties, Vol. I, Laws* (Washington: Printing Office, 1904): 196. On the Internet:

[http://digital.library.okstate.edu/kappler/Vol1/HTML\\_files/SES0195.html#ch74b](http://digital.library.okstate.edu/kappler/Vol1/HTML_files/SES0195.html#ch74b)

Kappler, Charles J. (Editor). "An act to establish a reservation for certain Indians in the Territory of Montana, April 15, 1874. | 18 Stat., 28," *Indian Affairs: Laws and Treaties, Vol. I, Laws* (Washington: Government Printing Office, 1904). [http://digital.library.okstate.edu/kappler/Vol1/HTML\\_files/SES0149A.html](http://digital.library.okstate.edu/kappler/Vol1/HTML_files/SES0149A.html)

Kappler, Charles. J. (Editor). "Treaty with the Blackfeet, 1855," *Indian Affairs: Laws and Treaties, Vol. II, Treaties* (Washington: Government Printing Office, 1904).

<http://digital.library.okstate.edu/kappler/Vol2/treaties/bla0736.htm>

Montana State Legislature, The Committee on Indian Affairs. *The Tribal Nations of Montana: A Handbook for Legislators* (Helena: Author, 1995). URL:

[http://leg.state.mt.us/textonly/publications/research/past\\_interim/handbook.asp](http://leg.state.mt.us/textonly/publications/research/past_interim/handbook.asp)

President U.S. Grant. Executive Order, Blackfeet Reserve. Department of the Interior, Office of Indian Affairs, July 2, 1873. [http://digital.library.okstate.edu/kappler/Vol1/HTML\\_files/MON0854.html#mt](http://digital.library.okstate.edu/kappler/Vol1/HTML_files/MON0854.html#mt)

## Attachment A: Take-home Exam Questions (with newspaper article)

Name: \_\_\_\_\_

Date: \_\_\_\_\_

On a separate piece of paper, please answer each question in a paragraph or two. Provide details and specific examples when necessary to illustrate your understanding of these issues. Attach this page to your answer sheet and turn in to your teacher.

1. What are the major battles, events, treaties or other milestones that define the history of Little Shell people as it relates to the United States?
2. Define sovereignty.
3. Define nation-to-nation.
4. What is federal recognition and on what is it based?
5. How are treaties important to/for recognition?
6. What is the Indian Trade and Intercourse Act and what important status did it establish for tribes in their relationship to the United States (from the U.S. perspective)? How does this relationship affect tribal sovereignty today?
7. What is the Marshall Trilogy and how did these decisions affect tribal sovereignty? (Be thorough in your answer.)
8. Who are the key players in Little Shell history with the United States?
9. What is the legal status of Little Shell? What does this mean?
10. To what rights or privileges are Little Shell people entitled and how are these rights or privileges related to or affected by lack of federal recognition?
11. How will the status and legal rights of the Little Shell tribe and its members change should the tribe achieve federal recognition?
12. The July 2009 newspaper article (below) reports that the Bureau of Indian Affairs has “no limits” on the length or numbers of delays/extensions it can use. What does this mean?
13. How does delaying the decision, which has happened numerous times, affect the tribe and its members? (There is one potentially beneficial aspect to delaying the final decision, what is it? What are the adverse consequences of repeated delays?)



## Attachment A, part 2—Summer 2009 Update

### Little Shell tribe continues to wait for federal recognition

MATTHEW BROWN - Associated Press - 07/28/09 | Posted: Tuesday, July 28, 2009 12:00 am |

BILLINGS -- The Bureau of Indian Affairs has delayed for another 60 days its long-stalled decision over whether to grant federal recognition to a landless Montana tribe.

The roughly 4,300 members of the Little Shell Tribe of Chippewa Indians are officially recognized by the state of Montana but have been unsuccessful in their decades-long fight for federal acknowledgment.

The latest delay, announced Monday, was needed to continue a legal review of the tribe's case, according to a letter from Acting Principal Deputy Assistant Secretary for Indian Affairs George Skibine. He wrote that the case "; contemplated a number of departures from precedent" -- an allusion to gaps in the Little Shell's documented history and frequent intermarriage between members and outsiders.

Little Shell chairman John Sinclair said the delay was disappointing but not surprising given the federal government's rigid recognition process. "We have a bureaucratic system where we're kind of a square peg for their round hole," Sinclair said. "We're just hoping for a positive finding at the end."

The Little Shell's ancestors migrated to the Northern Plains in the 1700s. They were forced to leave in the 1860s after Chief Little Shell and his band were excluded from a federal treaty signed with related tribes. Its members scattered to Montana and surrounding states and provinces.

In 1978 tribal leaders filed a formal recognition petition with the federal government and in 2000 the government announced it was leaning toward recognition.

After years of delay, Skibine in January set a Monday deadline for the agency to make a decision. When that time expired, he set a Sept. 25 deadline.

BIA spokeswoman Nedra Darling said there was no limit on such extensions.

Federal recognition would make the Little Shell eligible for health, housing and other benefits.

Source: [http://www.helenair.com/news/state-and-regional/article\\_1acb3a8f-5844-5e9d-9aaf-ce5535ce2723.html](http://www.helenair.com/news/state-and-regional/article_1acb3a8f-5844-5e9d-9aaf-ce5535ce2723.html)  
Retrieved September 13, 2009.